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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
033,669	04/26/79	PATRICK CHUNG-SHU KUNG	

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EXAMINER	
AFagelson	
ART UNIT	PAPER NUMBER
125	10

DATE MAILED

MAR 3 1981

This is a communication from the examiner in charge of your application.

COMMISSIONER OF PATENTS AND TRADEMARKS

GROUP 120

☒ This application has been examined. ☒ Responsive to communication filed on July 14, 1980 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), — days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. ☒ Notice of Refarencas Citad, Form PTO-892.
2. ☐ Notice of Informal Patent Drawing, PTO-948.
3. ☐ Notice of Informal Patant Application, Form PTO-152.
4. ☐ _____

Part II SUMMARY OF ACTION

1. ☒ Claims 1-3, 15-18, 22-26 are pending in the application.
   Of the above, claims _____ are withdrawn from consideration.
2. ☒ Claims 4-14, 19-21 have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 1-3, 15-18, 22-26 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ The formal drawings filed on _____ are acceptable.
8. ☐ The drawing correction request filed on _____ has been ☐ approved. ☐ disapproved.
9. ☐ Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has
   ☐ been received. ☐ not been received. ☐ been filed in parent application, serial no. _____,
   filed on _____.
10. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
11. ☐ Other

PTOL-326 (rev. 7-79)

EXAMINER'S ACTION

61

The specification is objected to as including insufficient exemplary matter to support claims to an antibody produced by a hybridoma that is not selectively defined by the parameters of the disclosures, as for example set forth in Claim 1 plus the matter in claims 23 and 24.

Claims 1-3+22, are rejected under 35 USC 112 (par. 1) as being broader than the disclosure in reading essentially on any T cell antibody now known or as may be developed in the future by any means. There is no evidence that the antibody as now claimed in fact differ in kind from all antibodies to T cells.

Claim 22 is further rejected under 35 USC 112 (par. 2). The claim is not understood since it is not known what is intended by "mouse monoclonal antibody".

The claims are rejected under 35 USC 102(a) as being known and used by others before the invention by applicants as evidenced by the Kennett report on research that is publicly available in the SSIE data bank.

Herzenbeg is also cited to further show the state of the art.

Applicants have notcompiled with all of the requirements of In re Argoudelis et al 168 USPQ 99. Applicants are required to aver: (1) That all restrictions on the availability of the culture deposit to the public will be irrevocably removed on the granting of the patent, and (2) that the culture will be maintained by the deposit or throughout the effective life of the patent.

The claims are rejected on the basis of double patenting as unpatentable over the claims of copending application No. Sn. 22,132. It is not seen that there is any difference in kind between the antibodies produced herein and those of the

62

copending application. The only differences appear to be some functional claim language.

AFagelson:car
A/C 703
557-2575
09/25/80

Anna P. Fagelson
Primary Examiner
Art Unit 125